

REMARKS

In response to the Office Action dated June 14, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Applicants herein cancel claims 7, 9, 15-24, 30-31, and 39-41; amend claims 1, 8, 25, 29, and 34; and add new claims 43-44. Thus claims 1-6, 8, 10-14, 25-29, 32-38, and 43-44 are pending.

Claim Rejections – 35 U.S.C. § 101

Claims 1-24 and 34-42

In the Office Action, claims 1-24 and 34-42 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-24 and 34-42 have been amended, as recommended by the Examiner, to recite a tangible computer readable medium. Thus, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 101 rejection.

Claim Rejections – 35 U.S.C. § 112

Claim 11

Claim 11 is rejected under 35 U.S.C. § 112 for insufficient antecedent basis for the term “the up timer.” Applicants have amended claim 11 to replace “the up timer” with “the first timer” and respectfully request withdrawal of the 35 U.S.C. § 112 rejection of claim 11.

Claim Rejections – 35 U.S.C. § 102 and 103(a)

In the Office Action, claims 1-4, 10, 12, 15-20, 25-28, 30, 34-38, and 42 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0174371 by Padawer et al.

Claims 1 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,065,123 to Chou et al.

In the Office Action, claims 5-6, 11, 14-15, 21-25, 29, and 32-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of U.S. Patent No. 5,958,058 to Barrus.

Allowable Subject Matter

Claims 7-9, 31, and 39-41

The Examiner has indicated that claims 7-9, 31, and 39-41 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Applicants have amended independent claim 1 to include the subject matter of claim 7. Thus, claim 7 has been canceled and the dependency of claim 8 has been adjusted.

Applicants have amended independent claim 25 to include the subject matter of claims 30 and 31 and have accordingly canceled claims 30 and 31.

The subject matter of claims 39 and 40 has been incorporated into independent claim 34, while claims 39 and 40 have accordingly been canceled.

Applicants have added claims 43 and 44, which respectively include the subject matter of claims 9 and 41 in independent form. As claims 9 and 41 are identified by the Examiner as allowable if rewritten in independent form, Applicants submit that new claims 43 and 44 are allowable and do not add new matter.

Applicants submit that independent claims 1, 25, 34, 43, and 44, as well as their dependent claims, are now in condition for allowance, and withdrawal of the 35 U.S.C. § 102(b) and 103(a) rejections is respectfully requested.

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Conclusion

For all the foregoing reasons, Applicants respectfully submit that the pending claims patentably define over the cited art. Accordingly, a Notice of Allowance for claims 1-6, 8, 10-14, 25-29, 32-38, and 43-44 is respectfully requested. In the event, however, that the Examiner believes that the application is not allowable for any reason, the Examiner is encouraged to contact the undersigned agent to discuss resolution of any remaining issues.

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